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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 02/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application 09/626205	Applicant(s) Bennett	
	Examiner Akan, G	Art Unit 3624	Confirmation No. 1A

- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 12/5/02
- ☐ This action is FINAL. ☒ This action is non-final.
- ☐ Since this application is in condition for allowance except for the formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-40 is/are pending in this application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-40 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved or ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.
- ☐ The drawing(s) filed on _____ is/are ☐ accepted or ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received:
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- ☐ The translation of the foreign language provisional application has been received.
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

Response to Amendment

1. This action is issued in response to applicant's Amendment A(Paper #11) filed 12/5/02.
2. New claims 36-40 were added. No claims were deleted. None were amended.
3. Claims 1-40 are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-40 are rejected under 35 USC 103(a) as unpatentable over Schein(US Pat. No:6,226,623) in view of Sandu(US Pat. No:6,347,307) and further in view of Buist(US Pat. No: 6,408,202).
6. As per claims 1,14,27,29,31,38 Schein teaches a method of electronic order routing using a global communications network(Abstract) comprising transmitting a selection of available financial instruments and pricing parameters associated with each of said available financial instruments(col 14 lines 36-51) and receiving transactional data wherein the transactional data comprises user account data and user instructional data for a financial instrument(col 14 lines 61-67) and authenticating the data(col 15 lines 12-52) and retrieving financial parameters(Fig 1/34).

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Schein does not specifically teach calculating a real time market value for the financial instrument. Sandu teaches this(Fig 1/160)(Fig 2/330)(Fig 3)(Figs 11-14) as well as storing(Fig 1/110) managing(Fig 1/170) and using(Fig 1/180/190) this transactional data.It would have been obvious to one skilled in the art at the time of the invention to combine Schein in view of Sandu to teach the above. The motivation to combine is to teach a method that enables investors to seamlessly create, price,negotiate, execute and settle capital market transactions including interest and currency derivatives, foreign exchange, loans and deposits and fixed income instruments using a messaging system that permits seamless integration with proprietary existing systems of users as enunciated by Sandu(col 2 lines 1-8).Buist teaches real time order routing(Fig 4) as well as trade confirmation(Fig 48B/4898) and pricing(Fig 48)(Fig 43A). It would have been obvious to one skilled in the art at the time of the invention to combine Schein in view of Sandu and further in view of Buist to teach the above. The motivation to combine is to teach a method that enables investors to utilize an improved Internet-based trading system that may be used in any network and provides improved human interaction and after hours trading as enunciated by Buist(col 2 lines 57-59).

7. As per claims 2,6,15 Schein teaches the method of claim 1,14 respectively wherein managing the transactional data comprises translating the data into a user specified language and currency(col 18 lines 17-30).Schein does not specifically teach editing,updating, monitoring, maintaining data and generating reports.Sandu teaches editing(Fig 1/210/220), updating(Fig 1/210), maintaining data(Fig 1/110) and generating reports(Fig 1/180/210). Also, Schein does not

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specifically teach communicating the transactional data among multiple users to complete the order for a financial instrument. Sandu teaches this(col 3 line 36-col 4 line 6).It would have been obvious to one skilled in the art at the time of the invention to combine Schein in view of Sandu to teach the above. The motivation to combine is to teach a method that enables investors to seamlessly create, price,negotiate, execute and settle capital market transactions including interest and currency derivatives, foreign exchange, loans and deposits and fixed income instruments using a messaging system that permits seamless integration with proprietary existing systems of users as enunciated by Sandu(col 2 lines 1-8).Buist teaches real time order routing(Fig 4) as well as trade confirmation(Fig 48B/4898) and pricing(Fig 48)(Fig 43A). It would have been obvious to one skilled in the art at the time of the invention to combine Schein in view of Sandu and further in view of Buist to teach the above. The motivation to combine is to teach a method that enables investors to utilize an improved Internet-based trading system that may be used in any network and provides improved human interaction and after hours trading as enunciated by Buist(col 2 lines 57-59).

8. As per claims 3,16 Schein teaches the method of claims 1,14 respectively. Schein does not teach further comprising transmitting the transactional data from a broker to a fund manager. Sandu teaches this(Fig 1/160/170)(col 2 lines 10-27)(col 5 lines 23-38).Schein fails to teach comprising generating a payment message with settlement instructions. Sandu teaches this(col 7 lines 28-45). It would have been obvious to one skilled in the art at the time of the invention to combine Schein in view of Sandu to teach the above. The motivation to combine is to teach a

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method that enables investors to seamlessly create, price, negotiate, execute and settle capital market transactions including interest and currency derivatives, foreign exchange, loans and deposits and fixed income instruments using a messaging system that permits seamless integration with proprietary existing systems of users as enunciated by Sandu(col 2 lines 1-8). Buist teaches real time order routing(Fig 4) as well as trade confirmation(Fig 48B/4898) and pricing(Fig 48)(Fig 43A). It would have been obvious to one skilled in the art at the time of the invention to combine Schein in view of Sandu and further in view of Buist to teach the above. The motivation to combine is to teach a method that enables investors to utilize an improved Internet-based trading system that may be used in any network and provides improved human interaction and after hours trading as enunciated by Buist(col 2 lines 57-59).

9. As per claims (4,36,37) and 17 Schein teaches the method of claims 1,14 respectively. Schein fails to teach further comprising transmitting data from the fund manager to the broker. Sandu teaches this(Fig 1/160/170)(col 2 lines 10-27)(col 4 lines 20-53). It would have been obvious to one skilled in the art at the time of the invention to combine Schein in view of Sandu to teach the above. The motivation to combine is to teach a method that enables investors to seamlessly create, price, negotiate, execute and settle capital market transactions including interest and currency derivatives, foreign exchange, loans and deposits and fixed income instruments using a messaging system that permits seamless integration with proprietary existing systems of users as enunciated by Sandu(col 2 lines 1-8). 1-8). Buist teaches real time order routing(Fig 4) as well as trade confirmation(Fig 48B/4898) and pricing(Fig 48)(Fig 43A). It would have been obvious to

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one skilled in the art at the time of the invention to combine Schein in view of Sandu and further in view of Buist to teach the above. The motivation to combine is to teach a method that enables investors to utilize an improved Internet-based trading system that may be used in any network and provides improved human interaction and after hours trading as enunciated by Buist(col 2 lines 57-59).

10. As per claims 5,18 Schein teaches the method of claims 1,14 respectively. Schein fails to teach comprising generating a payment message with settlement instructions. Sandu teaches this(col 7 lines 28-45). It would have been obvious to one skilled in the art at the time of the invention to combine Schein in view of Sandu to teach the above. The motivation to combine is to teach a method that enables investors to seamlessly create, price,negotiate, execute and settle capital market transactions including interest and currency derivatives, foreign exchange, loans and deposits and fixed income instruments using a messaging system that permits seamless integration with proprietary existing systems of users as enunciated by Sandu(col 2 lines 1-8).Buist teaches real time order routing(Fig 4) as well as trade confirmation(Fig 48B/4898) and pricing(Fig 48)(Fig 43A). It would have been obvious to one skilled in the art at the time of the invention to combine Schein in view of Sandu and further in view of Buist to teach the above. The motivation to combine is to teach a method that enables investors to utilize an improved Internet-based trading system that may be used in any network and provides improved human interaction and after hours trading as enunciated by Buist(col 2 lines 57-59).

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11. As per claims 7,20 Schein teaches the method according to claims 1,14. Schein does not specifically teach transferring and verifying commission information. Sandu teaches this(Fig 1/70/80)(col 5 lines 1-10). It would have been obvious to one skilled in the art at the time of the invention to combine Schein in view of Sandu to teach the above. The motivation to combine is to teach a method that enables investors to seamlessly create, price,negotiate, execute and settle capital market transactions including interest and currency derivatives, foreign exchange, loans and deposits and fixed income instruments using a messaging system that permits seamless integration with proprietary existing systems of users as enunciated by Sandu(col 2 lines 1-8). Buist teaches real time order routing(Fig 4) as well as trade confirmation(Fig 48B/4898) and pricing(Fig 48)(Fig 43A). It would have been obvious to one skilled in the art at the time of the invention to combine Schein in view of Sandu and further in view of Buist to teach the above. The motivation to combine is to teach a method that enables investors to utilize an improved Internet-based trading system that may be used in any network and provides improved human interaction and after hours trading as enunciated by Buist(col 2 lines 57-59).

12. As per claims 8,21 Schein teaches the method of claims 1,14 respectively comprising switching an order to purchase or sell the financial instrument(Fig 2)(col 15 lines 11-22).

13. As per claims 11,24 Schein teaches the method of claims 1,14. Schein does not teachtransmitting incremental marketing and valuation data associated with the financial instrument. Sandu teaches this(Fig 1/40). It would have been obvious to one skilled in the art at the time of the invention to combine Schein in view of Sandu to teach the above. The motivation

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to combine is to teach a method that enables investors to seamlessly create, price, negotiate, execute and settle capital market transactions including interest and currency derivatives, foreign exchange, loans and deposits and fixed income instruments using a messaging system that permits seamless integration with proprietary existing systems of users as enunciated by Sandu(col 2 lines 1-8). Buist teaches real time order routing(Fig 4) as well as trade confirmation(Fig 48B/4898) and pricing(Fig 48)(Fig 43A). It would have been obvious to one skilled in the art at the time of the invention to combine Schein in view of Sandu and further in view of Buist to teach the above. The motivation to combine is to teach a method that enables investors to utilize an improved Internet-based trading system that may be used in any network and provides improved human interaction and after hours trading as enunciated by Buist(col 2 lines 57-59).

14. As per claims 12,25 Schein teaches the method according to claims 1,14. Schein does not specifically teach incorporating data parameters for small intermediaries to compete for financial instruments. Sandu teaches this(Fig 2/350/370/320). It would have been obvious to one skilled in the art at the time of the invention to combine Schein in view of Sandu to teach the above. The motivation to combine is to teach a method that enables investors to seamlessly create, price, negotiate, execute and settle capital market transactions including interest and currency derivatives, foreign exchange, loans and deposits and fixed income instruments using a messaging system that permits seamless integration with proprietary existing systems of users as enunciated by Sandu(col 2 lines 1-8). Buist teaches real time order routing(Fig 4) as well as trade

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confirmation(Fig 48B/4898) and pricing(Fig 48)(Fig 43A). It would have been obvious to one skilled in the art at the time of the invention to combine Schein in view of Sandu and further in view of Buist to teach the above. The motivation to combine is to teach a method that enables investors to utilize an improved Internet-based trading system that may be used in any network and provides improved human interaction and after hours trading as enunciated by Buist(col 2 lines 57-59).

15. As per claims 13,26,39 Schein teaches the method of claims 1,14,38. Schein does not specifically teach wherein the parameters are realtime real market values. Sandu teaches this(Fig 1/40/60). It would have been obvious to one skilled in the art at the time of the invention to combine Schein in view of Sandu to teach the above. The motivation to combine is to teach a method that enables investors to seamlessly create, price,negotiate, execute and settle capital market transactions including interest and currency derivatives, foreign exchange, loans and deposits and fixed income instruments using a messaging system that permits seamless integration with proprietary existing systems of users as enunciated by Sandu(col 2 lines 1-8).Buist teaches real time order routing(Fig 4) as well as trade confirmation(Fig 48B/4898) and pricing(Fig 48)(Fig 43A). It would have been obvious to one skilled in the art at the time of the invention to combine Schein in view of Sandu and further in view of Buist to teach the above. The motivation to combine is to teach a method that enables investors to utilize an improved Internet-based trading system that may be used in any network and provides improved human interaction and after hours trading as enunciated by Buist(col 2 lines 57-59).

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16. As per claim 21,40 Schein teaches the system according to claims 14, 39 respectively. Schein does not teach specifically wherein the order comprises an order to purchase, switch or redeem the financial instrument. Sandu teaches this (col 6 line 29-col 7 line 27). It would have been obvious to one skilled in the art at the time of the invention to combine Schein in view of Sandu to teach the above. The motivation to combine is to teach a method that enables investors to seamlessly create, price, negotiate, execute and settle capital market transactions including interest and currency derivatives, foreign exchange, loans and deposits and fixed income instruments using a messaging system that permits seamless integration with proprietary existing systems of users as enunciated by Sandu (col 2 lines 1-8). Buist teaches real time order routing (Fig 4) as well as trade confirmation (Fig 48B/4898) and pricing (Fig 48) (Fig 43A). It would have been obvious to one skilled in the art at the time of the invention to combine Schein in view of Sandu and further in view of Buist to teach the above. The motivation to combine is to teach a method that enables investors to utilize an improved Internet-based trading system that may be used in any network and provides improved human interaction and after hours trading as enunciated by Buist (col 2 lines 57-59).

17. As per claim 22 Schein teaches the system according to claim 14. Schein does not teach specifically wherein the order comprises an order to purchase, switch or redeem the financial instrument. Sandu teaches this (col 6 line 29-col 7 line 27). It would have been obvious to one skilled in the art at the time of the invention to combine Schein in view of Sandu to teach the above. The motivation to combine is to teach a method that enables investors to seamlessly

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create, price, negotiate, execute and settle capital market transactions including interest and currency derivatives, foreign exchange, loans and deposits and fixed income instruments using a messaging system that permits seamless integration with proprietary existing systems of users as enunciated by Sandu(col 2 lines 1-8). Buist teaches real time order routing(Fig 4) as well as trade confirmation(Fig 48B/4898) and pricing(Fig 48)(Fig 43A). It would have been obvious to one skilled in the art at the time of the invention to combine Schein in view of Sandu and further in view of Buist to teach the above. The motivation to combine is to teach a method that enables investors to utilize an improved Internet-based trading system that may be used in any network and provides improved human interaction and after hours trading as enunciated by Buist(col 2 lines 57-59).

18. As per claim 23 Schein teaches according to claim 22 wherein the order to switch further comprises portfolio switching from a first fund to a second fund(col 14 lines 36-45).

19. As per claims 28,30,35 Schein teaches the method of claims 27,29,31 wherein the secure communications system is a financial institution's communications system(Fig 4/25/33).

20. As per claim 32 Schein teaches the system of claim 31 wherein the interactive user module comprises an application that is downloaded from a web page to the network electronic order routing system(Fig 3/18/12/14/16/40/20).

21. As per claim 33 Schein teaches the system of claim 31 wherein the interactive user module is communicated to the network automated routing system by one of internet, intranet, extranet(Fig 10)(Fig 11)(Fig 12)(Fig 13)(col 14 lines 35-54)(col 15 line 53-col 16 line 7).

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22. As per claim 34 Schein teaches according to the system of claim 31. Schein does not specifically teach wherein the interactive user module comprises one or more user modules customized for a broker, fund manager, clearing agent, custodian financial service provider or intermediary financial institution. Sandu teaches this (Fig 1/25/80/170). It would have been obvious to one skilled in the art at the time of the invention to combine Schein in view of Sandu to teach the above. The motivation to combine is to teach a method that enables investors to seamlessly create, price, negotiate, execute and settle capital market transactions including interest and currency derivatives, foreign exchange, loans and deposits and fixed income instruments using a messaging system that permits seamless integration with proprietary existing systems of users as enunciated by Sandu (col 2 lines 1-8). Buist teaches real time order routing (Fig 4) as well as trade confirmation (Fig 48B/4898) and pricing (Fig 48) (Fig 43A). It would have been obvious to one skilled in the art at the time of the invention to combine Schein in view of Sandu and further in view of Buist to teach the above. The motivation to combine is to teach a method that enables investors to utilize an improved Internet-based trading system that may be used in any network and provides improved human interaction and after hours trading as enunciated by Buist (col 2 lines 57-59).

Response to Arguments

23. Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

24. **THIS ACTION IS MADE NON-FINAL.**

25. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA

January 29, 2003